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L E T T E R

A

ADDRESSED TO THE

Margrave

CATHOLIC CLERGY of ENGLAND.

ON THE

APPOINTMENT OF BISHOPS.

BY

A L A Y M A N. *K.*

*By John Throckmorton
Esq^r now Sir John Throck-
morton Baronet.*



E R R A T A.

Page 1, line 21, for *this* read *their*. p 5, 16, for *none* read *more*. p 5, 127, for *Viainne* read *Vienne*. p 6, 12, for *Viainne* read *Vienne*. p 6, 124, for *meant* read *vacant*. p 6, 128, for *Mervopolitan* read *Metropolitan*. p 7, 134, for *Hircanar* read *Hincmar*. p 7, 135, for *Hedaculphus* read *Hedenulphus*. p 7, 136, for *Leon* read *Laon*. p 7, 141, for *dublickly* read *publickly*. p 8, 12, for *Monastries* read *Monasteries*. p 8, 117, for *Hedaculphus* read *Hedenulphus*. p 8, 118, for *Leon* read *Laon*. p 8, 122, for *these* read *those*. p 9, 140, in note, for *Calassuthius* read *Cabassuthius*. p 10, 122, for *Hiero, Casarea* read *Hiero-Cæsarea*. p 10, 132, for *these* read *those*. p 13, 121, for *know* read *knew*. p 13, 131, between *of* and *others*, insert *two*. p 13, 139, for *bound* read *bowed*. p 14, 117, for *possessors* read *professors*. p 15, 128, for *ecclesia* read *ecclesiæ*. p 16, 12, for *sued* read *seized*. p 16, 126, for *conservere* read *conservare*. p 18, 121, for *others* read *other*. p 21, 115, for *charge* read *clause*.

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A
L E T T E R

ADDRESSED TO THE
CATHOLIC CLERGY of ENGLAND.

GENTLEMEN,

THE death of two Bishops, to whom successors should be immediately appointed, particularly calls your attention, at this time, to the subject of this letter. This circumstance, as well as the general importance of the subject, will, I flatter myself, prevent its appearing unseasonable. To you I have addressed it, because you are more interested in the appointment of proper pastors than we are. As Clergymen, you are more immediately connected with the Bishop; and as Ministers, you are appointed to execute the laws of the Church: to you then it is natural to apply for a due execution of those laws.

Convinced that it is necessary that Bishops and Priests be appointed in the Church, as well for the teaching the doctrine of Christ, as for the administration of the sacraments, few objects can be of greater importance to us, than this regular election and appointment. In taking a survey of the different countries where the Christian religion is professed, we shall find that in almost all of them, the Civil Magistrate interferes in the appointment of the Ministers of the Gospel. When Princes thought it necessary to take the Church into their protection, and load

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her ministers with earthly riches, and commit to them a share of their temporal authority, it became necessary that they should be careful to whom such emoluments and power were granted. Their nomination of the Pastor was acquiesced in, because that Pastor had been transformed into a temporal Lord, or Civil Magistrate, who might use his power and wealth to the welfare or destruction of the State.

Fortunately, Gentlemen, these circumstances are not applicable to us: we are not the established religion of the country; no restraints therefore are laid upon us by the Civil Magistrate in the choice of our Pastors. As they are not endowed with temporal riches, nor entrusted by the State with Civil Power, the Magistrate is too just to claim a right of interference in their appointment.

Although we be thus left at liberty by the Civil Power, it does not follow that we have no rule, whereby we are to be directed in the appointment of our Bishops. If no laws were made, which we were in this instance to follow, nothing but confusion and anarchy would ensue. Next to the being deprived of Pastors, the greatest evil would be the having no settled mode of constituting them. This evil has not happened to the Church of Christ: amongst the early regulations made to promote the benefit of religion, none are more explicit than those, which relate to the appointment of Bishops.

Constituting a part of the Church of Christ, we are bound by the regulations of that Church, as far as it is in our power to comply with them. When the Civil Magistrate claims the right of nominating the Minister of the Gospel, it is not in our power to resist; and we receive him from his hands: but where no such claim is made, and no insurmountable impediment raised, to obstruct the due execution of the laws of the Church, it is your duty, as Ministers of that Church to fulfil them. Let us therefore examine what the rules of the Christian Church are on this subject, and we shall easily ascertain if it be possible to put them in practice.

In the year 253, a Council was held at Carthage, wherein the condemnation of Basilides Bishop of Leon, and of Martial Bishop of Astorga in Spain, was confirmed;

firmed; notwithstanding the former had obtained from St. Stephen Bishop of Rome, letters recommending his re-establishment in his See. On this occasion St. Cyprian who presided, declares that the ordination of Bishops, should be made with the consent of the people. "We must be particularly careful, says he, to observe this rule, which is derived from divine tradition, and the practice of the Apostles, and which is observed by us and in almost all the provinces: That to constitute a lawful ordination, the Bishops of the province, who are the nearest, are to assemble themselves in the place for which a Bishop is to be ordained; and there let him be chosen in the presence of the people, who are acquainted with the life and conduct of those, whom they have continually seen and conversed with." — For which reason, the Council approved the ordination of the successors of Basilides and Martial, without paying any regard to the letters obtained by the former from St. Stephen; which, as they were obtained on false pretences, only aggravated his crime.

Origen in the 6th Homily on Leviticus, says, "Let us see in what manner a Bishop is appointed. Moses convened the Synagogue, and said to them, *This is the word which the Lord hath decreed*; although the Lord had given directions concerning the appointment of the High Priest, and had chosen him, the presence of the people is required, that all may know, that the person the most proper, the most learned, the most holy, the most eminent in all virtues is chosen into the Priesthood, that no objections may be afterwards made, nor any scruple raised. And this is according to the precept of the Apostle."

After the election of Cornelius to the See of Rome in 251, Novatian opposed him, and endeavoured to raise a schism in the Church, by procuring his own ordination to that See. He addressed letters to the different Churches, and amongst others to the Church of Carthage, where the grounds of his claim were examined in Council, and the answer made to him was, "That when a Bishop was appointed and ordained to a See, by the

“ consent and judgment of the *Bishops and people*, no other Bishop could be admitted.”

The canons of the Council of Nice enact, that a Bishop shall be instituted, if possible, by all those of the province; but if they are prevented by distance or any other cause, three at least are necessary, and the consent in writing must be obtained of those who are absent, and the whole proceeding confirmed by the Metropolitan.

The 18th Canon of the Council of Antioch ordains, that if a Bishop cannot, without any fault of his, be established in his Church, either from the refusal of the people to receive him, or from any other cause, he shall enjoy the rank of Bishop, on condition that he interferes not in the ministry of the Church where he resides. It is remarkable, that it is not said that the people shall be obliged to receive him, but on the contrary, it appears that their refusal was a sufficient reason to exclude him. No compulsion was then known in the Church. By the sixteenth canon of the same Council, these Bishops without Sees, might be elected to other Bishoprics, in the same manner as other persons.

Pope Julius in his letter to the Eusebians, after the Council held at Rome in 342, in which St. Athanasius was justified, speaks in the following terms of the appointment of Gregory to the See of Alexandria. “ What instance can be adduced similar to this, in the “ Canons and Apostolical Tradition? That the Church “ being in peace, and so many Bishops living in communion with Athanasius Bishop of Alexandria, Gregory, a stranger should be sent thither; one who was “ not baptised in that Church, who is not known there, “ who was not demanded by the Clergy, the Bishops, or “ People; that he should be ordained at Antioch, and “ sent to Alexandria, not with the Priests and Deacons “ of the City, nor with the Bishops of Egypt, but accompanied by soldiers. If Athanasius had been guilty, “ the ordination ought not to have been made in this “ manner, contrary to the rules of the Church. The “ Bishops of the Province should have ordained one of “ the Priests, or a person amongst the Clergy of Alexan-
“ dia.”

"dria." Such, adds the historian Fleury, are the laws of electing Bishops, according to the testimony of this holy Pontiff.

In the Council of Sardica held in 347, it was enacted that if there remained but one Bishop in a Province, where there formerly were none, and that he neglects to ordain a person for a See, where one is demanded, and the people have assembled for that purpose; the Bishops of the neighbouring Province are to assemble, and invite this Bishop to meet them, that they may ordain a Bishop for the vacant See, and if he does not comply, they shall accede to the request of the people, and make the ordination without his concurrence.

In the Council of Ancyra, held in 314, is a Canon regulating the order and rank of a Bishop, who being ordained to a See, was refused by the people.

In the third Council of Carthage held in 397, it was proposed that twelve Bishops should be required for an ordination; but it was decreed that the ancient rule, requiring three, should be adhered to: but added Aurelian Bishop of Carthage who presided, "If any opposition is made to the election of a Bishop, more must be called in, and the objections canvassed publicly in the place for which the ordination is to be made before they proceed."

St. Celestin wrote a letter in the year 428 to the Churches of Viainne and Narbonne, in which after noticing many abuses, which had crept into the discipline of those Churches, he forbids the election of persons for Bishops who are unknown, to the prejudice of those who have long served the Church, and of whom their fellow-citizens bear a favourable testimony. For," says he, "a Bishop should not be chosen, who is disagreeable to the flock committed to him; it is necessary to have the consent of the Clergy, the People, and the Magistrates."

In the Council of Rome held 465, and in many other Councils, Bishops are strictly prohibited from naming their successors, *because thereby the lawful elections are prevented.*

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St. Leo in a letter addressed to the Bishops of the Province of Vienne, says, "That Bishops should be ordained by the Metropolitan, and that it is necessary to have the subscription of the Clergy, the testimony of the Magistrates, and the consent of the Senate and People."

So necessary was it considered that the Ministers of the Church should be appointed with the Approbation of the People, that by the twenty-second Canon of the third Council of Carthage, Bishops are prohibited to ordain any Priest without the advice of his Clergy, and approbation and consent of the People.—Bede thought the free election of Bishops of such importance, that he has dared to censure the Apostles for permitting the successor of Judas to be decided by lot. Nor does he appear to be the first who made the objection, for we find that this action of the Apostles called for the justification of Origen, Chrysostom and Augustin.

Pope Pelagius in 555, writing to the Patrician Narfes who governed Italy, complains of the Bishop of Milan, who had ordained the Bishop of Aquileia in his own Church, contrary to the Canons; "For," says he, "the Bishop who consecrates another, should repair to the meant See, that the consent of that Church may be perfectly known."

The Council of Clermont in 535, orders that Bishops be appointed by the election of the Clergy and People, and with the consent of the Metropolitan; and if any have recourse to the protection of people in power, or *procure in any other manner their appointment*, they shall be deprived of the communion of the Church they aspired to govern. This order is renewed in the council of Orleans, held in 538, and again in 548. The same regulations were made respecting the right of election, and forbidding the appointment of a Bishop without the consent of the People, in the councils of Arles and Paris in 556, and of Chalons in 644.—In France, the elections of Bishops had been prevented by many of the Sovereigns, which was probably the cause of the ancient canons on that subject being so frequently enforced in
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the councils of that kingdom. Louis surnamed le Debonnaire, by an edict published in 832, restored to the Clergy and People the right of electing their Bishops in these terms.—“ Not being ignorant of the holy canons, and being desirous that the Church should enjoy her liberty ; we have granted that the Bishops should be chosen by the Clergy and People, in the Diocese, and in consideration of their merit and capacity, gratuitously, and without partiality.”—About this time a small treatise on the election of Bishops was written by Florus Deacon of the Church of Lyons, in which he says. “ According to the Canons, and Apostolical Tradition, in the vacancy of a See, one of the Clergy of the same Church should be chosen by the unanimous consent of the Clergy and People. He is then named in an authentic deed drawn up for the purpose, and afterwards consecrated by a proper number of Bishops, and such an ordination is by St. Cyprian called a choice made by God. It is certain that the Bishops were so ordained in the whole Church for the space of four hundred years. And since the Princes are become Christians, it is evident that the elections have for the most part, been made with the same liberty.”

The latter part of the ninth century furnishes us with some very authentic evidences of the mode of elections in France, after the liberty of choosing their Bishops had been restored to the Churches by Louis. They are collected by Father Sirmond, and Fleury in his excellent history, has given us ample extracts from them. From these I collect the following particulars.

On the death of a Bishop, the Church sent deputies to the Metropolitan, who immediately appointed a Bishop of the Province as Visitor, to repair thither. The commission given to him is seen in a letter from Hircar Archbishop of Rheims, to Hedaculphus Bishop of Leon, whom he appointed Visitor at Cambray. “ You will,” says he, “ repair as soon as possible to that Church, and will exhort the People to choose by unanimous consent the person they think most worthy to be their Bishop. I send to you the form of the election, which you will cause publicly to be read, that no person

“ person may plead ignorance. The election is not only
 “ to be made by the Clergy of the town; all the Mo-
 “ nastries of the Diocese; all the parochial Clergy in the
 “ country, should depute persons to give their suffrages.
 “ The Nobility and Citizens should also be present,
 “ for all should concur in electing him, whom all are to
 “ obey. If they elect a person who is capable of the
 “ office, request them to draw up a deed, which may
 “ be signed by each person; and when I have given
 “ them notice, they will send to me the person so
 “ chosen, with the deed proving his election, and a
 “ sufficient number of deputies to give evidence in the
 “ name of the whole Diocese.”

This act of election was a Letter addressed to the Metropolitan and his Suffragans, from the Clergy and People of the vacant Church, of which there are some examples still extant. In that of the election of Hedaculphus to the See of Leon, in 876, the utility of elections is insisted on, “ because the people may despise
 “ or hate a Bishop whom they did not desire; and their
 “ religion may be weakened, if they have not the
 “ Pastor whom they wished for. And that these who are
 “ to ordain him may do it the more willingly, seeing
 “ him so unanimously chosen.” I refer the reader to the 53d book of Fleury’s Ecclesiastical History, where he will find the forms of examination and consecration of the new Bishop.

Many more examples might be adduced to ascertain the ancient mode of appointing Bishops in the Christian Church, but to you, Gentlemen, this would be useless; your knowledge of Ecclesiastical History, will furnish you with a sufficient number without my attempting to suggest them. * From the few I have mentioned, the following positions may, I think, be evidently deduced.

1st. That

* That the ancient discipline of the Church, requiring the election of Clergy and People to appoint a Bishop, was not entirely laid aside in the Eleventh Century, may be seen by the Letters of Gregory VIIth, Lib. i. Epist. 35.—Lib. v. Epist. 8. Instances of it occur also in the Twelfth Century, in the 13th and 27th Epistles of St. Bernard.—The beginning of the

1st. That the discipline of the Church requires that the Bishops should be chosen by the Clergy and People over whom they are to preside.

2^{dly}. That the Bishops of the province were bound to repair to the vacant Bishopric, where they concurred in the election and ordained the person so chosen.

3^{dly}. That no application was made for the interference, much less for the nomination of any Bishop out of the Province, unless there was not a sufficient number within it to ordain the new Bishop, or they refused to do it; in which cases, application was made to the Bishops of a neighbouring province.

These, Gentlemen, are the rules by which the Church of Christ was governed, for the space of several hundred years; rules, by which a Cyprian, an Augustin, an Ambrose, were constituted Bishops. As Ministers of the same Church, you are bound to conform to the same regulations, and any violation of them, when it is possible to comply with them, must be, on your part, a culpable neglect of your duty.

It behoves you, therefore, to consider what impediments may be raised to your conforming in this instance to the Laws of the Church. From the Civil Magistrate no obstruction is to be feared; all denominations of Dissenters are in this respect permitted to enjoy the greatest freedom. With the different political regulations which have taken place on this subject, you have no concern.

the Oath taken at consecration, denotes the new Bishop to be elected.—I have not mentioned any of the regulations made by the Council of Trent, because the discipline of that Council was never adopted by the Catholics here, any more than in France. Notwithstanding the too great power generally given to the Roman Pontiff by the Canons of that Council, there are none which can authorise the claim of appointing Bishops in the manner practised in this country. See Sessio xxiv. c. 1. De Reformatione—Sessio xxv. c. 18.—If the Reader wishes any further proof of the discipline of the Church being such, as I have represented it, he may consult Calassius Notitia Ecclesiastica P. 16, 109, 172, 223, 262, 472. Van. Espen. Jus. Ecclesiasticum. P. 82 & Seq.—and Fleury Hist. Eccl. passim.

By the first Bishop in the Church, a claim may be made of appointing your Pastors, and of superseding, in this instance, the discipline of the Church. But a moment's reflection will convince you, that this claim must be unfounded: for however high his rank and station in the Church may be, the appointment of Bishops forms no part of his spiritual commission. When once therefore you have ascertained what the regulations are which have been made on this subject, no lawful impediment can be raised by any Bishop in the Christian Church to the execution of them. All are bound by the same laws, and to none is given a power of violating them; and any objection to a conformity to the laws of the Church, will come with a very bad grace from the person, whose chief duty it is to see them observed.

One difficulty only presents itself to me, namely, that we have not in this kingdom, any Bishops regularly appointed to convene to an election. Our situation in this respect, you are well acquainted with, and no doubt, have often deplored. Bishops indeed we have, but not of the flock they are appointed to govern; men are ordained titular Bishops of Rama, Comana, Hiero, Cæsarea, &c. and sent to this country with a delegated power from a foreign Prelate, on whom they are by that means totally dependant.

These titular Bishops were totally unknown in the Church till the twelfth century, when numbers had migrated from the West of Europe, and had settled in the country conquered by the arms of the Crusaders. These Latins being ignorant of the language, and unaccustomed to the ceremonies of the Greek Church, procured the appointment of Latin Bishops to these Sees which they occupied, sometimes in conjunction with, and sometimes to the exclusion of the Greek Prelate. In process of time, although they lost most of the country they had occupied, Bishops continued to be appointed to those Sees, in hopes that they might again be subjected to the arms of the Christians. And although all thoughts have been long since dropped of re-conquering those places, Bishops have been continually appointed to them, who have no knowledge of the language
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or customs of the inhabitants, nor have any intention of fulfilling the commission undertaken by them at their ordination, *to preach the Gospel to the people committed to their care*. These Bishops, without Sees, or fixed places of residence, were the cause of considerable disturbance in the Church; many regulations were made to check their interference in the Ministry; and in the Council of Trent, many of the Fathers repeatedly demanded their total abolition. The Court of Rome was however too sensible of the advantage of such dependant Bishops, not to oppose this measure. Accordingly the Council contented itself with prohibiting them from conferring orders, or exercising any episcopal functions without a special commission. At present therefore, they are not only Pastors without a flock, but Bishops without the power of the keys. *

Had the mode of appointing Bishops practised in this Country, been known in the Church, Pope Julius had never written the Letter I have quoted. Indeed, except in the circumstance of being introduced by Soldiers, we might imagine, that in describing the manner in which Gregory was appointed Bishop of Alexandria, he was giving an account of the appointment of a modern Vicar Apostolic: to which he might have added the absurdity of being ordained Bishop of Jerusalem, to govern the Church of Britain. So far however from seeing this difficulty in a formidable light, I trust it will be an additional motive to you, to exert yourselves in restoring the Church of this kingdom to its ancient discipline.

The present mode of nominating titular Bishops of foreign Sees, to preside, with a delegated commission, over the Catholics of this country, is one cause of the prejudices still subsisting against us in the minds of our fellow-citizens. So total a dependance on a foreign Power, which is supposed on different occasions, to have

* Con. Trid. Sess. 14. c. 2. de Refor.—Pallavicini Hist. del. Con. Trid. l. 12. c. 13. n. 3.—l. 20. c. 14. n. 10—c. 16. n. 10 & 12.—L. 21. c. 4. n. 4—C. 6. n. 12—C. 8. n. 2.—Van. Espen. Jus. Eccl. P. 117.

laid claim to Powers hostile to the independance of States, is calculated to raise suspicions in the most unbiassed mind. In this instance however, as well as in all others, you will find, that the nearer you approach to the pure discipline of the Church, the more effectually you will remove the grounds of these prejudices. The Church of Christ was intended by its divine Founder to be spread over the whole world, nor is there any thing in its doctrine or practice which can prevent its progress, in every climate, and under every government. This would not be true, if the nomination of its Pastors had been vested in any one person.

Were it necessary, many other motives might be urged, to convince you of the expediency of an abolition of the present mode of receiving your Pastors from a foreign Power; but you will easily perceive, that under the present Church Government, no regular discipline can be maintained. By the Laws of the Church, Bishops are to be ordained within the space of three months; they are subject to provincial councils which are frequently to be held: the revenues of the Church are to be administered by them in conjunction with their Clergy, to whom they are bound to give an account of their conduct, That these regulations are not complied with is evident, nor is it possible, in the present state of things, to enforce obedience to them. A small degree of exertion, will, I trust, Gentlemen, remove these difficulties. It is in your power to procure a regular appointment of Bishops. Act as the Clergy of Carthage or Alexandria would have done in similar circumstances, and you will find yourselves, I doubt not, supported by the whole body of the Laity.

By a regulation, which took place at the latter end of the last Century, the Catholics of England are divided into four divisions or diocesses. As the number of the faithful had decreased, there could be no objection to diminishing the number of Pastors: the object at present wanted, is, that regular Bishops be chosen in these respective divisions. To you, Gentlemen of the midland and western Districts, I particularly address myself on this occasion; it is in your power to remove the objection,

objection, of the want of proper Pastors. Do you, in conjunction with the Laity of your respective Districts, assemble, and choose for your Bishops, the persons who now, by a lamentable abuse, preside over you, in virtue of an authority delegated to them by a foreign Prelate, who has no pretensions to exercise such an act of power. They are Bishops of Sees where they have no Faithful, you are bodies of Faithful without Bishops: by the Laws of the Church they may be elected by you for your Pastors; they will not fail to accept of the office. They are now aliens, you will make them Englishmen; they are dependant, you will make them free; they are foreign emissaries, you will transform them into English Bishops; they must rejoice in the change.

You, Gentlemen of the London District, after the death of your late Pastor, assembled, and collected the opinion of the Laity, on the appointment of a Successor. The eyes of the Catholics were upon you, we looked to you for an emancipation from the present irregular mode in which our Pastors are appointed. You had amongst you, we know, men, who were well acquainted with the discipline of the Church, and whose minds we hoped were equal to the small difficulty of such an undertaking. In this we were cruelly disappointed. Your Suffrages were unanimous in favor of one Gentleman, who, like the other Vicars in this country, is Bishop of a foreign See where he has no Faithful to direct: but by an unaccountable timidity, you did not dare to proceed to an election, but contented yourselves with recommending the object of your choice, accompanied by the names of others, to the nomination of a foreign Prelate. If I am not misinformed, his nomination meets with considerable opposition, because he has refused to sacrifice the welfare of the Catholics of this kingdom, to the pretensions of the Court of Rome. By this conduct, Gentlemen, you have sacrificed the rights of the people, which as Ministers, you were bound to defend, you have acted contrary to the Laws of the Church, and have bound your necks to a foreign yoke. As a Layman of the district, I entreat you to consider the evil effects of such a proceeding. It is not yet

yet I hope too late; return to council, reassemble, and, in conjunction with the Laity, elect the person, whom you have pointed out as the object of your choice, and whose merits entitle him to your Suffrages,

You, Gentlemen of the Northern District, are in a similar situation, but I trust you will not pursue a similar conduct. You have, I hope, too much respect for the Rights of the People, too much regard for the discipline of your Church, to sacrifice them both to the pretensions of a foreign Power. Set an example worthy of the imitation of posterity; shew by your conduct in this instance, that no influence however strong, no abuse, however deeply rooted, can make you swerve from your duty. You must either follow the rules enacted in the Church by apostolical tradition, or sacrificethem to modern pretensions, which have disfigured the religion of Christ, and cast an odium on the possessors of it. Assemble then, and collect the suffrages of the Laity, and when you have elected a proper person to be your Bishop, convene the other Bishops of the kingdom to confirm your election, and to ordain him; if they wish to follow the footsteps of a Cyprian or an Ambrose, they will not fail to comply with your request. Should they however refuse to do it, apply as you are directed, to the Bishops of a neighbouring Province.

By these means, you will restore to the Church, of which you are Ministers, that freedom of election, which for several ages was considered as necessary to constitute a regular Bishop. But it will be of little consequence to secure the right of election, if the Bishop chosen by you, sacrifices his liberty, by swearing fealty to a foreign Prelate. This makes it necessary to say a few words on the Oath taken by Bishops at their consecration.

During many ages, no Oath was taken by Bishops or Priests at their ordination. Some Metropolitans, in the beginning of the ninth Century, required from those whom they ordained, an Oath of obedience: this practice was condemned in the Council of Chalons, in 813, and again by a law made in France in 816. By this law, all who required or subscribed to any oath at Ordination,

nation, are degraded from their functions. In these instances the Act of taking an Oath is reprobated, not the simple profession of canonical obedience to the Metropolitan, of which there are many instances to be found.

These professions of canonical obedience were made by the Bishops at their ordination by the Metropolitan; nor is there any instance, at the close of the seventh century, of the Bishops of Rome having required any other obligation from their Suffragans. And when in the eleventh century, the obligation of an Oath was required, nothing but canonical obedience was pledged; this may be seen in the dispute between Lanfranc and Thomas, Archbishop of York.

The first instance we find of any thing more being demanded, is that of Gregory the VIIth, who required from the Patriarch of Aquileia, an absolute oath of fealty, such as Vassals made to their immediate Lords. About the close of the thirteenth century, this Oath of Fealty was required by the Popes, at the ordination of all their Suffragans. And when afterwards, the Roman See claimed the right of naming or confirming all Bishops, contrary to the discipline of the Church, and the rights of Metropolitans, this Oath was required of every Bishop at his consecration. To this day, it continues to be taken by all Bishops in the following form, which was settled by Clement the VIIIth, and inserted by him in the Roman Pontifical. *

Ego N. electus ecclesia
N. ab hac hora in antea
fidelis & obediens ero beato
Petro Apostolo, sanctæque
Romanæ ecclesiæ & Domi-
no nostro Domino N. Papæ
N. suis que successoribus
canonicè intrantibus.

I N. elect of the Church
N. from this hour forward,
will be faithful and obe-
dient to blessed Peter the
Apostle, and the holy Ro-
man Church, and to our
Lord, the Lord Pope N.
and to his Successors cano-
nically entering.

Non ero in consilio, aut
consensu, vel facto, ut vi-
tam perdam, aut membrum;

I will not counsel, or
consent, or be assisting in
or to any act, whereby

* Van, Espen, Jus. Eccles. P. 109.

seu capiantur mala captione; aut in eos violenter manus quomodolibet ingerentur; vel injuriæ aliquæ inferantur, quovis quæsito colore.

Consilium vero quod mihi credituri sunt per se, aut nuntios suos, seu literas, ad eorum damnum, me sciente nemini pandam.

Papatum Romanum, & Regalia sancti Petri, adjutor eis ero ad retinendum & defendendum, salvo meo ordine, contra omnem hominem.

Legatum Apostolicæ sedis in eundo, & redeundo honorificè tractabo, & in suis necessitatibus adjuvabo.

Jura, honores, privilegia & auctoritatem sanctæ Romanæ ecclesiæ, Domini nostri Papæ & successorum prædictorum, conservare, defendere, augere & promovere curabo.

Neque ero in consilio, vel facto, seu tractatu, in quibus contra ipsum Dominum nostrum, vel eandem Romanam ecclesiam, aliqua sinistra vel præjudi-

they may lose life or limb; or may be sued and ill treated; or that violent hands be laid upon them in any manner whatsoever, or that any kind of injury be done them, on any pretence whatsoever.

But any counsel with which they shall intrust me, whether by themselves, by their messengers or letters to their hurt, I will not knowingly discover to any person.

The Roman Papacy and the Royalties of St. Peter, I will, saving mine own order, assist them to keep and defend against any man,

The Legate of the Apostolic Sec, going out and returning back, I will honorably treat and assist in his necessities.

The rights, honors, privileges, and authority of the holy Roman Church, of our Lord the Pope, and his successors aforesaid, I will be careful to preserve, defend, enlarge, and promote.

Nor will I be concerned in counsel, act, or treaty, wherein any thing disadvantageous or prejudicial to our said Lord, or the said Roman Church, their per-

cialia

cialia personarum, juris, honoris, status, & potestatis eorum machinentur. Et si talia a quibuscumque tractari vel procurari novo, impediam hoc pro posse; & quanto citius poterò, significabo eidem Domino nostro, vel alteri per quem possit ad ipsius notitiam pervenire.

Regulas Sanctorum Patrum, decreta, ordinationes, seu dispositiones, reservationes, provisiones & mandata Apostolica totis viribus observabo, & faciam ab aliis observari.

Hæreticos, Schismaticos, & Rebelles eidem Domino nostro, vel successoribus prædictis, pro posse persequar, & impugnabo,

Vocatus ad Synodum veniam, nisi præpeditus fuero canonica præpeditiōe.

Apostolorum limina singulis trienniis personaliter per me ipsum visitabo; & Domino nostro, ac succes-

sors, right, honor, state or power shall be devised. And if I know any such things to be treated of by any persons whomsoever, I will impede the same to the utmost of my power; and as soon as possible will give information to our said Lord, or to some other person, by whose means it may come to his knowledge.

The rules of the Holy Fathers, the decrees, orders, or appointments, reservations, provisions, and apostolical mandates, I will observe with all my might, and cause to be observed by others.

All Heretics, Schismatics, and Rebels against our said Lord, and his aforesaid successors, I will to the utmost of my power *pursue* and oppose*.

When called to a Synod, I will come, if not prevented by some canonical impediment.

The thresholds of the Apostles I will personally visit every three years, and will give an account to our

* I have translated *Persequar*, I will *pursue*, because it coincides with the meaning Dr. Butler wished to be affixed to this word, though I believe the true meaning to be *I will persecute and combat*; but I would not be accused of giving an unfavorable translation of this curious oath.

foribus præfatis rationem reddam de toto meo pastoralis officio, ac de rebus omnibus, ad meæ ecclesiæ statum, ad cleri & populi disciplinam, animarum denique, quæ meæ fidei traditæ sunt, salutem, quovis modo pertinentibus; & vicissim mandata Apostolica humiliter recipiam, & quam diligentissime exequar.

Quod si legitimo impedimento detentus fuero, præfata omnia adimplebo per certum nuntium, ad hoc speciale mandatum habentem, de gremio mei capituli; aut alium in dignitate ecclesiastica constitutum, seu alias personatum habentem: aut his mihi deficientibus, per dioësanum sacerdotem; & clero deficiente omnino, per aliquem alium presbyterum, sæcularem vel regularem, spectatæ probitatis & religionis de supradictis omnibus plene instructum. De hujusmodi autem impedimento docebo per legitimas probationes, ad sanctæ Romanæ ecclesiæ Cardinalem proponentem, in congregatione sancti concilii, per supradictum nuntium transmittendas.

Lord and his aforesaid successors, of my whole pastoral charge, and of all things which in any manner relate to the state of my Church, the discipline of my clergy and people, and to the salvation of the souls committed to my trust: and on the other hand I will humbly receive, and with my best diligence will execute all apostolical mandates.

But if I be detained by any lawful impediment, I will perform all the aforesaid things by a trusty messenger, specially commissioned for that purpose from among my Chapter; or some others possessed of some ecclesiastical dignity, or otherwise of some personage, or failing these, by some Priest of my Diocese; and if I should have no Clergy, by some other Priest, secular or regular, of known probity and religion, who shall be fully instructed in all things before mentioned. But of such impediment I will give due information, by legal proofs, to be transmitted by the aforesaid messenger to the propounding Cardinal of the holy Roman Church, in the congregation of the sacred Council.

Possessiones

Possessiones verò ad mensam meam pertinentes, non vendam, nec donabo, neque impignorabo; nec de novo infeudabo, vel aliquo modo alienabo, etiam cum consensu capituli ecclesiæ meæ, inconsulto Romano Pontifice. Et si ad aliquam alienationem devenero, pœnas, in quâdam super hoc editâ constitutione contentas, eo ipso incurrere volo.

The possessions belonging to my table, I will neither sell, give away, mortgage, nor invest anew, nor in any manner alienate, even with the consent of my Chapter, without consulting the Roman Pontiff. And if I make any such alienation, I am willing directly to incur the penalties, contained in a certain constitution set forth thereupon.

In the three first articles of this oath is contained an explicit Oath of Allegiance, such as was taken by vassals to their immediate Lords. That the allegiance is of a temporal nature, appears from the words of the second paragraph, and from the following words which were in the original formula of Gregory VII. "*Romanam ecclesiam per secularem militiam, fideliter juvabo, cum invictus fuero.*" Nor should we fail to recollect, that this Oath was first imposed by the same Gregory, who arrogated to himself an universal temporal empire.

The promise to defend and enlarge the authority and privileges of the Popes, and their successors, is very extensive: the Pope who framed this Oath, and many of his successors, have claimed authorities and privileges, which are neither compatible with the welfare of the Church, nor with the duty and allegiance which Bishops owe to the government of their country.—To pass over the words, "*Hæreticos, schismaticos & rebelles eidem Domino persequar & impugnabo,*" which would have struck with horror a Bishop in the first six ages of the Church; it is not easy to conceive, that a Bishop can reconcile his mind to a solemn obligation of visiting every three years the See of Rome, when he has no intention of leaving his country, and knows that he would neglect his duty if he complied with his oath. This clause, which originally required an annual visit to the threshold of the Apostles, shews that it was intended only for the immediate

diate Suffragans of the See of Rome, who were obliged by the canons to attend the annual Councils there held.

When the right of ordaining the Metropolitans, was taken from the Bishops of the Province, and usurped by the See of Rome, this promise was exacted from them; which accounts for its being imposed on them, before it was required from other Bishops, whose nomination and ordination was not so soon transferred to the Pope.

The words, "*mandata apostolica humiliter recipiam, & quam diligentissimè exequar,*" convey a very extensive obligation: nor is it easy to perceive how it can be complied with by any Bishop, who is not a temporal subject of the Pope. It is evident that no other Prelates receive humbly, or execute diligently all the commands of the Roman Pontiff.

This very cursory view of the oath, is I trust sufficient to convince you that it is perfectly incompatible with the duty, which Bishops owe to the Church, and to the allegiance which they owe to the government of their country. You will therefore, I hope, take care that no English Bishop takes such an oath in future: there are instances of Bishops refusing to take it; their example will, I trust, be universally followed.

It was not without surprise, that I observed a few years past, a Prelate of a neighbouring kingdom*, attempt to justify this oath. The little indeed he has said on the subject, will serve to convince an unbiassed mind of the impossibility of defending it.—The words, "*persequar & impugnabo,*" he contends are to be understood as meaning an opposition by argument: but I think the context shews plainly that a very different meaning is to be affixed to them. After swearing the most positive oath of civil allegiance to our Lord the Pope, the new Bishop promises to *pursue and oppose all rebels* to this same Lord: it is not by arguments that rebels are pursued and opposed, nor does a sovereign Lord require a promise of such assistance from his vassals.—What the reverend Prelate says of the spirit of the Catholic Church, is very

* Dr. James Butler—Justification of the tenets of the Roman Catholic Religion. p. 90. & seq.

true; it is averſe from all violence, but was ſuch the ſpirit of the Pontiff who firſt impoſed this oath? Has ſuch always been the conduct of the Biſhops of the Church, ſince the oath has been taken by them? I fear not.

It is true that the Chriſtian Biſhops reſuſed to communicate with Ithacius, for having been inſtrumental in putting to death Prſcillian: but thoſe Biſhops had never taken this oath. Had the reverend Prelate proved, that after this oath had been univerſally taken, the Biſhops of the Chriſtian Church had behaved like St. Ambroſe and St. Martin, he had offered ſome vindication of it; but this he has not attempted to do.—The words “*ſalvo meo ordine*,” on which he lays ſo much ſtreſs, can refer only to the charge in which they are inſerted:

“But farther,” ſays he, this oath is intended in “countries not ſubject to the Pope, as a *temporal Prince*, “to extend merely as to *ſpirituals*.” How the ſame form of words can convey in one country a civil oath of allegiance to a Sovereign, and in another, be reſtrained merely to ſpirituals, is paſt my comprehension. But, if an oath, which ſwears fealty to a Lord, reſtrains the perſon, who takes it, from offering violence to his perſon, or injuring him in life or limb, obliges him to defend, ſupport, and enlarge, all his honors, rights, privileges and authorities, impoſes an obligation to oppoſe with all his power, all rebels to the ſaid Lord, and to execute all commands he ſhall receive from him, be not an oath of civil allegiance, and that of the moſt extenſive nature, I am totally at a loſs to know what can conſtitute one. The truth is, the oath contains nothing of a merely ſpiritual nature; it was a temporal, not a ſpiritual empire, which Gregory wiſhed to eſtabliſh.

To conclude, Gentlemen; I have no other object in view in this Addreſs to you, than the deſire of ſeeing our religion practiſed in its primitive purity, and freeing the profeſſors of it from that odium, which abuſes in the diſcipline of the Church have thrown upon them. You will, I hope, impartially examine if the rules I have ſtated, concerning the election of Biſhops, are thoſe of the Church, and if there exiſts a reaſon, which can juſtify

flify your not complying with them. If after this exam-
 men, you are convinced that the election of Bishops by
 the Clergy and Laity, is a rule of the Church, that the
 existence of titular Bishops is an abuse, which ought to
 be removed, and that the oath taken by Bishops at their
 consecration, is a violation of the freedom of the Church,
 and of the duty they owe to Society; I trust you will
 not permit human motives, the fear of thwarting the pre-
 judices of individuals, nor an indolent acquiescence in
 established abuses, to prevent your compliance with so
 indispensable a part of your duty, as is that of preserving
 your religion free and untainted.

I am, GENTLEMEN,

June 12, 1790.

Your obedient

humble Servant,

A LAYMAN.